

Paul Cain 68456

Name

G.C.C.F

P.O. Box 520 Santa Rosa, NM 88435

Address

FILED
UNITED STATES DISTRICT COURT
ALBUQUERQUE, NEW MEXICO

FEB 13 2015

MATTHEW J. DYKMAN
CLERK

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

Citizens of New Mexico, Plaintiff
(Full Name)

CASE NO. 15cv131MCA-KK
(To be supplied by the Clerk)

v.

Captain Aragon, Warden E. Bravo,
Associate Wardens R. Ulbrich and J. Johnson
et al, Defendant(s)
See Full list Attached

CIVIL RIGHTS COMPLAINT
PURSUANT TO 42 U.S.C. § 1983

A. JURISDICTION

1) Citizens of New Mexico, is a citizen of New Mexico
(Plaintiff) (State)
who presently resides at G.C.C.F P.O. Box 520 Santa Rosa, NM 88435
(Mailing address or place of confinement)

2) Defendant Captain Aragon is a citizen of
(Name of first defendant)
Santa Rosa, New Mexico, and is employed as
(City, State)
Captain or Major Aragon. At the time the claim(s)
(Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state law?

Yes ☒

No ☐

If your answer is "Yes", briefly explain: He was acting in his official capacity as supervisor of security and it's believed he was also acting in a personal capacity to harm all of the Plaintiffs listed on attachment. A

✓

Captain Aragon

Plaintiffs
List of inmates Party to this Suit

1. Paul Cain
2. Ralph Maestas
3. Steven Pike
4. Matthew Cox
5. Frank Morrell
6. Alfredo Garcia
7. James Tabor
8. Wilfred Carabajal
9. Andrew Cuellar
10. Greg Schulz
11. Justin Espinosa
12. Efrain Hernandez
13. Sabino Calvillo
14. Gene Ellis
15. David Yazzie
16. Joshua Yazzie
17. Lamont Sellers
- 18.

List of Defendants Party to this Lawsuit

1. Captain / Major Aragon
2. Warden E. Bravo
3. Associate Warden R. Ulbarrri
4. Associate Warden J. Johnson
5. The Geo Group, Inc
6. Secretary of Corrections
7. Director of Adult Prisons
8. Lt. Gallegos
9. Lt. Romo
10. Sgt. Rael
11. Lt. Rico
12. Lt. Roybal
13. Case Manager Mrs. Marquez
14. Case Manager Roybal
15. Case Manager Swaggert
16. Parole Director Sandra Dietz
17. Gov. Susanna Martinez
18. County of Guadalupe
19. Lt. Vigil
20. M. Chavez (used to be mailroom supervisor) now works commissary
21. M. J. Chavez
22. Ms. Jaramillo (records supervisor)
23. Sgt. Gold
24. Sgt. Campos

25 Case Manager Campos

26 Attorney General Gary King

- 3) Defendant Warden E Bravo is a citizen of
(Name of second defendant)
Santa Rosa New Mexico, and is employed as
(City, State)
Warden At the time the claim(s)
(Position and title, if any)

alleged in this complaint arose, was this defendant acting under color of state.

Yes ☒ No ☐ If your answer is "Yes", briefly explain: *Warden Bravo is the Executive Administrator of Guadalupe County Correctional Facility and is the Supervisor of Captain Major Aragon. It is believed the Captain's actions are a direct order originating from his office or higher up the chain at The Geo Group headquarters.*

(Use the back of this page to furnish the above information for additional defendants.)

- 4) Jurisdiction is invoked pursuant to 28 U.S.C. §1343(3), 42 U.S.C. §1983. (If you wish to assert Jurisdiction under different or additional statutes, you may list them below.)

Article IV section 2 states the citizens of each state shall be entitled to All Privileges and Immunities of Citizens in the several states.

B. NATURE OF THE CASE

- 1) Briefly state the background of your case.

Captain Aragon came on HIB and threatened numerous inmates and caused four of those men to get a Major Disciplinary Report rather than put their lives in danger. One man has evidence of this criminal activity dating back to 2008 and has evidence to prove his claims. Some evidence has been refused to him because he is an inmate.

C. CAUSE OF ACTION

- 1) I allege that the following of my constitutional rights, privileges or immunities have been violated and that the following facts form the basis for my allegations: (If necessary, you may attach up to two additional pages (8 1/2" x 11") to explain any allegation or to list additional supporting facts.

A)(1) Count I: *Constitutional violation of my right to be free from Cruel and unusual punishment including physical, emotional, and Psychological harm.*

- (2) Supporting Facts: (Include all facts you consider important, including names of persons involved, places and dates. Describe exactly how each defendant is involved. State the facts clearly in your own words without citing legal authority or argument.)

Please see the witness statements

B)(1) Count II: *Violation of right to peaceably assemble
Constitutional Amendment 1*

- (2) Supporting Facts:

Please see attached documents

Citizens of New Mexico

U
Captain Aragon

Count IV Violation of Constitutional Amendment Five

... Nor shall any person be subject for the same offence to be twice put in jeopardy of life or limb;

Captain Aragon with the approval of the warden's has made it a personal issue to force men to enter prison confines knowing that to do so would surely put men's lives in danger. There is ample evidence to show these allegations as true and accurate though they are not obtainable by the petitioners.

Count V Violation of the Fourteenth Amendment

... Nor shall any state deprive any person of life liberty or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

Captain Aragon and the wardens, and unknown conspirators conspire to put men's lives in danger simply to inflict more punishment upon certain criminals by placing them in the housing units where men have already 'suffered great bodily harm and possibly lost lives or limbs.

C)(1) Count III: Violation of Fourth Amendment, Right of the People to be secure in their persons.

(2) Supporting Facts:

Captain Aragon threatened to place us in imminent harm and to penalize us for refusing to endanger our lives

(There are more Grounds)

D) PREVIOUS LAWSUITS AND ADMINISTRATIVE RELIEF

1) Have you begun other lawsuits in state or federal court dealing with the same facts involved in this action or otherwise relating to the conditions of your imprisonment?

Yes ☐ No ☒ If your answer is "YES", describe each lawsuit. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same outline.)

a) Parties to previous lawsuit.

Plaintiffs: _____

Defendants: _____

b) Name of court and docket number:

c) Disposition (for example: Was the case dismissed? Was it appealed? Is it still pending?)

d) Issues raised: _____

e) Approximate date of filing lawsuit: _____

f) Approximate date of disposition: _____

- 2) I have previously sought informal or formal relief from the appropriate administrative officials regarding the acts complained of in Part C. Yes ☒ No ☐ If your answer is "Yes", briefly describe how relief was sought and the results. If your answer is "No," briefly explain why administrative relief was not sought.
- I Filed The Appropriate Disciplinary Appeals and Grievances. Others have begun the process. we have Filed this Emergency Petition in an effort to protect our very precious lives.*

E. REQUEST FOR RELIEF

- 1) I believe that I am entitled to the following relief: A safe secure Facility that contains only our type of prisoners, programs, commissary and privileges that the rest of the inmates receive. A Secure Administrative Segregation unit for those who cannot be in general population but is not a security threat to the institution and not a threat to other inmates. We are asking for Captain Aragon to be prosecuted for his sadistic and cruel actions. We are asking that Warden Bravo, Associate warden R. Ulbarr, and Associate warden J. Johnson along with Captain Aragon be held accountable in their official and personal capacities. We also reserve the right to amend the complaint and the requested relief as the investigation reveals all parties responsible. We are requesting \$400 million dollars in compensation for physical, mental, psychological, and emotional damage. We are requesting the court issue an emergency injunction preventing the institution from transferring any of us to housing 2 or out of the institution until this matter can be heard by a court.

Signature of Attorney (if any)

Attorney's full address and telephone number.

Paul Cain

Signature of Petitioner

Spokesman For All Citizens of New Mexico

G.C.C.F
P.O. Box 520
Santa Rosa, NM 88435

DECLARATION UNDER PENALTY OF PERJURY

The undersigned declares under penalty of perjury that he is the plaintiff in the above action, that he has read the above complaint and that the information contained therein is true and correct. 28 U.S.C. Sec. 1746. 18 U.S.C. Sec. 1621.

Executed at G.C.C.F P.O. Box 500 Santa Rosa NM ⁸⁸⁴³⁵ on 7-31- 20 14
(Location) (Date)

Paul Cain

(Signature)

Paul CAIX 68956

G.C.C.F

Po Box 520

Santa Rosa, NM 88435

Legal Mail



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RECEIVED
Legal Mail
Albuquerque NM

FEB 13 2015

MATTHEW J. DYKMAN
CISBY

United States District Court
333 Lomas Blvd. NW Suite 270
Albuquerque, NM 87102